GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Appeal Petition filed by Sri Madasi Kuruva Ramakrishnudu, S/o M.K. Narayana, Kurnool District, against the Proceedings No. Rc.C6/995/M/2016, dated 19.07.2018 of the District Collector, Kurnool, under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders - Issued.

SOCIAL WELFARE (CV.1) DEPARTMENT

G.O.Ms.No.31 Dated: 15.02.2019
Read the following:

1. Proceedings of the District Collector, Kurnool, Rc.C6/995/M/2016, dated 19.07.2018.
2. Appeal Petition filed by Sri Madasi Kuruva Ramakrishnudu, through his Counsel, before the Hon'ble M(SWE&TWE), Endt.No.1563/SW&TW/ 2018, dated 20.08.2018.
3. Govt. Memo No.21021/43/CV.1/2018, dated 31.08.2018 & 18.09.2018.
4. From the District Collector, Kurnool, Lr.No.Rc.(C6)/995/M/2016, dated 05.10.2018.
5. Govt. Memo No.21021/43/CV.1/2018, dated: 29.11.2018.
6. Documents filed by the appellant, through his Counsel before the Appellate Authority on 15.12.2019.

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ORDER:

In the reference 1st read above, the District Collector, Kurnool has issued orders cancelling SC-Madasi Kuruva community status of Sri M.K.Ramakrishnudu, S/o K. Narayana, Atmakur Mandal, Kurnool District and declared that the individual does not belongs to the SC-Madasi Kuruva community.

2. In the reference 2nd read above, Sri Madasi Kuruva Ramakrishnudu, S/o M.K. Narayana, has filed the appeal petition before the Government, against the proceedings of the District Collector, Kurnool. After examining the said Appeal Petition, Government have admitted the Appeal Petition & stay orders issued on the proceedings of the District Collector, Kurnool and have called for the parawise remarks and connected records from the District Collector, Kurnool in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Kurnool has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri Madasi Kuruva Ramakrishnudu, S/o M.K. Narayana.

4. The said Appeal Petition has been posted for hearing on 18.09.2018 & 29.11.2018 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 3rd & 5th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. In the reference 6th read above, the appellant through his Counsel, has filed documents, before the Appellate Authority, in support of his SC-Madasi Kuruva community claim.

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks submitted by the District Collector, Kurnool and proceedings of the District Collector, Kurnool, dated: 19.07.2018 , the Appellate Authority observes that :

I. The appellant in his grounds has stated that the appellant in his grounds has stated that the learned District Collector ought to have seen the petitioner's previous caste certificates issued by the then competent authority i.e. Sub-Collector, Nandyal, dated 12.07.1986 & 15.08.1995 and also ought to see the enquiry reports of the then Sub-Collector of Nandyal and statements of villagers as identified and confirmed as the appellant belongs to 'Madasi Kuruva' (SC) community and he has also failed to receive and examine the evidences submitted by him i.e. statements of the family members, relatives, neighbours and village elders and relatives caste certificates along with their sworn affidavits.

[Contd.. on P.2]

II. Further he has stated that as per his school records his caste recorded as 'Madasi Kuruva' community and the RDO has in his proceedings has recorded that the appellant belongs to Madasi Kuruva (SC) community but not followed the traditions and customs of the said community. Further he has also stated that his ancestors are belongs to 'Madasi Kuruva' community, the public generally called them shortly as 'Kuruva' 'not Kuruba or Kuruma' and this fact clearly truth and declared by the village elders in Grama Sabha Teermanam, dated 10.12.2016.

III. Further he has also stated that he has the close relative of Mr. D. Ranganna, S/o Ch. Nagappa and his SC-Madasi Kuruva caste certificate was confirmed by the Government vide G.O.Ms.No.150, dated 28.12.2007 and the District Collector ought to have see the G.O.Ms.No.03, dated 04.01.2005 wherein considered SC-Madasi Kuruva caste certificate of Mr. N. Venkateswarlu, S/o K. Venkatanna and the cancellation of the caste certificate is injustice.

IV. The District Level Scrutiny Committee has observed that as per the report of the Revenue Divisional Officer, Kurnool, in Original Admission Register, the appellant joined in I Class vide admission No.276 on 27.06.77 in Nandyal P.S. Elementary School, Pedda Devalapuram Village of Bandi Atmakur Mandal of Nandyal Division, in the name of Rama Krishnudu S/o Narayana & in that Admission Register, Column (11) it mentioned as Hindu and Column No.12 as Madasi Kuruva (in that **"Madasi"** was written different writings) and also as per Record Sheet (i.e., Transfer Certificate) Book, the signature of the applicant is different in the two Record Sheet. Hence there are two Records seem to be the different. It is observed that as seen from the Birth & Death Register, 1954 the surname of the applicant's grandfather is mentioned as Kuruva Yerranna S/o Garjanna but not as Madasi Kuruva Yerranna and the entry at Sl.No.10 of the Birth & Death Register, 1999, the surname of applicant's father is mentioned as Kotapati Narayana and the applicant himself attested his signature in the informants column of the above Birth & Death register as "K. Ramakrishna" at the entry of his father's death on 26.09.1999 and not as MK Ramakrishna and at the 11th column caste is mention as HINDU KURUVA not as Madasikuruva, even though he was issued Madasi Kuruva caste certificate prior to 1999.

V. It is also observed that as seen from the Caste certificate obtained from the Sub Collector, Nandyal dated 12.07.1986, the applicant's surname is mentioned as K. and it is on the strength of the said certificate, subsequent certificates (1995) have been obtained from the Sub Collector/RDO Nandyal changing his surname from K to MK. In the said certificate madasi which is pre-fixed to Kuruva, is with different writing. There is a draft of prefixing Madasi before KURUVA. As verified from the Adangal and 1B Register of Santhajutur Village of Bandiatmkaur it is noticed that Sri Kuruva Kotapati Chinna lingana S/o Narayana (2nd brother of M.K. Ramakrishnudu) is having land in Sy.No.70/2 and in Sy.No.70/3 Sri Kuruva Kotapati Chinna Linganna S/o Narayana, Sri Kuruva Kotapati Peddalinganna S/o Narayana and Sri Kuruva Kotapati Ramakrishudu S/o Narayana is having lands and their sur-names are mentioned as Kuruva Kotapati. In Kurnool District, in general the Caste "Kuruba" is being pronounced as "Kuruva" in the Local languages. Hence some caste certificate issued as Kuruva (B.C) though actually they belong to "Kuruba" community. In the death certificate of his father the name is written as "Kotapat Narayana" S/o Erranna and the caste is noted as Hindu Kuruva. Further his son put his signature under informer as "K. Ramakrishna" only instead of K.Ramakrishnudu as in other records. Sri Naga Sudhakar S/o Chinna Linganna who is working as clerk in HDFC Bank at Mahaboob Nagar is no other person than his blood relative i.e., son of his own brother Sri Chinna Linganna got Kuruva (BC-B) certificate on 07.06.2000 as per office record in which the kith and kin of the applicant are also shown to have been issued Kuruva/Kuruba (BC-B). The surnames of the applicant's relatives and his elders names are recorded as Kuruva/Kuruba in the RSR, 1B Register, Birth & Death register of the office of the Tahsildar, Bandiatmakur Mandal but not recorded as Madasi Kuruva anywhere. Based on the findings of the DLSC, the District Collector has cancelled the appellant's caste certificate.

VI. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

[Contd.. on P.3]

VII. The Appellate Authority observes that during the course of hearing of the case, the appellant submitted his arguments as mentioned his grounds in the appeal petition and also field written arguments and several documents stated that the lower authority failed to observe that as seen from the enquiry reports and statements of villagers the same is indicating identifying and confirmed that the appellant belongs to Madasi Kuruva SC and their caste people are called by the public shortly as Kuruva instead of Madasi Kuruva and prays to confirm his caste as Madasi-Kuruva SC. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellants and that the appellant failed to produce any documentary evidence of his caste claim. It is also noticed as per the record that based on local enquiry and documentary evidence more particularly with regard to enquiry on admission register and record sheet of the School where the present individual studied that the individual does not belongs to Madasi- Kuruva SC Community. That as per the Act 16/1993, the burden of proof lies on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. In the instant case that the appellant except relaying the evidence filed before the lower authorities failed to produce any additional material for re-appreciation of the case on hand. As seen from the record the lower authorities passed the orders after reasonable appreciating the evidence available on record as per law which deserves no interference. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity in the findings of the learned District Collector, Kurnool District. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference.

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri Madasi Kuruva Ramakrishnudu, S/o M.K. Narayana, does not deserve any interference. Hence, Proceedings of the District Collector, Kurnool issued vide Rc.C6/995/M/2016, dated 19.07.2018, is hereby upheld and the Appeal Petition filed by Sri Madasi Kuruva Ramakrishnudu, S/o M.K. Narayana, is hereby dismissed and declared that the appellant does not belongs to SC-Madasi Kuruva community.

7. The District Collector, Kurnool is directed to take necessary consequential action in the matter.

8. The records (Rc.C6/995/M/2016, dated 19.07.2018 containing in (III) volumes) received from the District Collector, Kurnool through in the reference 4th read above, are returned herewith in original to the District Collector, Kurnool and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Kurnool.
(with original records) (BY RPAD)

Sri Madasi Kuruva Ramakrishnudu, S/o M.K.Narayana,
R/o H.No.81-288, Ramakrishna Nagar,
Near Shareen Nagar, Kallur Mandal,
Kurnool District.

Sri K. Sudhakar Advocate,
H.No.51-980-225A,
Indira Gandhi Nagar, Kurnool – 518003.

The CCLA & Spl. Chief Secretary, A.P., Amaravati.
Copy to:
The PS to M(SWE& Cinematography)
The PS to Principal Secretary (SW).

// FORWARDED:: BY ORDER //

SECTION OFFICER